

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ADVERIO PHARMA GMBH, et al., :  
Plaintiffs, : Hon. Esther Salas  
v. : Civil Action No. 23-1285  
ALEMBIC PHARMACEUTICAL : PRETRIAL SCHEDULING ORDER  
LIMITED, et al., :  
Defendants. :  
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THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on August 29, 2023; and for good cause shown:

IT IS on this 29<sup>th</sup> day of August, 2023,

**ORDERED THAT:**

1. A telephone status conference shall be held before the undersigned on 12/19/2023 at 11:30 A.M. Counsel for Plaintiff is directed to initiate the call to (973) 776-7700. If the conference is going to be conducted via dial-in, the parties are instructed to call Chambers once everyone is on the line and provide the dial-in information at that time. Dial-in numbers will not be accepted prior to the conference. The parties are to submit a joint status letter no later than 12/13/2023, itemizing the issues counsel would like to discuss in the upcoming conference.
2. The parties may serve interrogatories limited to twenty-five (25) single questions. Such interrogatories, and initial requests for production of documents, as well as initial requests for admissions shall be served by a date to be determined by the parties and shall be responded to by a date to be determined by the parties.
3. The parties shall be limited to ten (10) depositions. No objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege. *See* Fed. R. Civ. P. 32(d)(3)(A). No instruction not to answer shall be given unless a privilege is implicated.
4. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. *See* L. Civ. R. 16.1(f)(1). No discovery motion or motion for

sanctions for failure to provide discovery shall be made without prior leave of Court.

5. Discovery shall proceed as set forth in Exhibit A to this Order.
6. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and Fed. R. Civ. P. 37.**

s/ James B. Clark, III

**JAMES B. CLARK, III**

**United States Magistrate Judge**

## EXHIBIT A

Event	Due Date
Initial Conference	Tuesday, August 29, 2023
Submit Confidentiality Order to the Court	Tuesday, September 12, 2023
Plaintiff's Disclosure of Asserted Claims	Friday, November 3, 2023
Defendant's Invalidity Contentions and associated document production	Friday, November 17, 2023
Defendant's Non-Infringement Contentions Due with accompanying Document Production	Friday, November 17, 2023
Plaintiff's Infringement Contentions Due with accompanying Document Production	Friday, January 12, 2024
Plaintiff's Responses to Invalidity Contentions Due with accompanying Document Production	Friday, January 12, 2024
Exchange of List of Claim Terms for Construction	Tuesday, January 16, 2024
Meet and confer to limit terms in dispute	Anytime between disclosures of terms and exchange of preliminary proposed constructions
Exchange of preliminary proposed constructions and identification of supporting intrinsic evidence	Tuesday, February 13, 2024
Exchange of rebuttal intrinsic and extrinsic evidence	Tuesday, February 27, 2024

Meet and confer to limit terms in dispute and discuss JCCPS	Anytime between disclosures of terms and exchange of preliminary proposed constructions
File Joint Claim Construction and Prehearing Statement	Thursday, March 7, 2024
Completion of Claim Construction Discovery	Friday, April 12, 2024
Opening Markman Submissions	Tuesday, April 23, 2024
Completion of Expert Claim Construction Discovery	Thursday, May 16, 2024
Responsive Markman Submissions	Friday, June 7, 2024
Propose to the Court a schedule for Claim Construction Hearing	Wednesday, July 10, 2024
Substantial Completion of Document Production	Friday, July 19, 2024
Close of Fact Discovery	Friday, August 16, 2024
Deadline to amend pleadings or add parties and may be made only by order of the Court upon a timely application and showing of good cause	Friday, August 16, 2024
All Parties Exchange Opening Expert Reports on All Issues for which Party Bears Burden of Proof	Friday, September 27, 2024
All Parties Exchange Responsive Expert Reports	Friday, November 1, 2024
Reply Expert Reports	Friday, November 15, 2024
Close of Expert Discovery	Friday, January 10, 2025
Deadline to Request Leave to File Dispositive Motions	Friday, January 17, 2025
Submission of the Parties' Joint Pretrial Order	TBD (February 2025)
Final Pretrial Conference	TBD (February 2025)
Trial	TBD (March 2025)
Expiration of 30-month stay	No earlier than July 23, 2025